

**SUMMONS IN A CIVIL ACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER  
CLEVELAND, OHIO 44113**

**CASE NO.**  
CV15852376

D1 FX

**SUMMONS NO.**  
27245015

Rule 4 (B) Ohio

Rules of Civil  
Procedure

BENJAMIN W. HALL  
VS  
MIDLAND FUNDING, LLC

PLAINTIFF

DEFENDANT

**SUMMONS**

MIDLAND FUNDING, LLC  
C/O LAWYERS INCORPORATING SERVICE  
50 W. BROAD ST., SUITE 1800  
COLUMBUS OH 43215

You have been named defendant in a complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.

You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.

Said answer is required to be served on:



Plaintiff's Attorney

DAVID N. TRUMAN  
6100 OAK TREE BLVD.  
STE. 200  
INDEPENDENCE, OH 44131-0000

Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)

Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.

If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.

Case has been assigned to Judge:

ROBERT C MCCLELLAND  
Do not contact judge. Judge's name is given for attorney's reference only.

NAILAH K. BYRD  
Clerk of the Court of Common Pleas



**DATE**  
Oct 9, 2015

By 

Deputy

COMPLAINT FILED 10/08/2015





**NAILAH K. BYRD**  
**CUYAHOGA COUNTY CLERK OF COURTS**  
1200 Ontario Street  
Cleveland, Ohio 44113

**Court of Common Pleas**

**New Case Electronically Filed:**  
**October 8, 2015 16:02**

By: DAVID N. TRUMAN 0082347

Confirmation Nbr. 563422

BENJAMIN W. HALL

VTS.

MIDLAND FUNDING, LLC

CV 15 852376

**Judge:**

ROBERT C. MCCLELLAND

Pages Filed: 4

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

**BENJAMIN W. HALL**  
120 Ruth Ellen Drive, Bldg. H, Apt 311  
Richmond Heights, OH 44143

Plaintiff,

-vs-

**MIDLAND FUNDING, LLC**  
c/o CSC Lawyers Incorporating Service,  
Agent for Service  
50 W. Broad St., Ste. 1800  
Columbus, OH 43215

Defendant.

CASE NO:

JUDGE:

**COMPLAINT**

**DEMAND FOR JURY TRIAL**  
**ENDORSED HEREON**

**INTRODUCTION**

1. This is an action for damages for violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA"), and the Ohio Consumer Sales Practices Act, R.C. Chapter 1345 ("OCSA").

**PARTIES**

2. Plaintiff is a natural person residing in Cuyahoga County, Ohio.
3. Defendant is a foreign corporation registered to do business in Ohio and is engaged in the business of collecting debts allegedly owed to another person or entity.
4. Defendant is a "debt collector" within the meaning of 15 U.S.C. 1692a(6) and a "supplier" within the meaning of R.C. 1345.01(C).

**FACTUAL ALLEGATIONS**

5. During or about the period of August 2014 through at least March 2015, Defendant repeatedly called Plaintiff's telephone for the purpose of collecting a "debt" within the meaning of 15 U.S.C. 1692a(5).

6. All of Defendant's communications with Plaintiff were made with the purpose of collecting a debt.
7. Upon information and belief, Defendant was attempting to collect a debt allegedly owed by "Benjamin D. Hall."
8. Plaintiff informed Defendant that he did not owe the debt Defendant was attempting to collect and to stop calling him.
9. Defendant ignored Plaintiff's requests and continued to call Plaintiff and to cause his telephone to ring with the intent to annoy, abuse or harass Plaintiff or Plaintiff's family.
10. Defendant failed to inform Plaintiff of the information required to be disclosed by 15 U.S.C. § 1692(g).
11. Defendant has used harassing, misleading and threatening conduct and communications with Plaintiff in an attempt to collect a debt.
12. Among other misleading communications, Defendant falsely represented that Plaintiff had been sued in relation to the alleged debt.

**FIRST CAUSE OF ACTION**

*VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT*

13. Plaintiff hereby incorporates by reference all of the preceding paragraphs.
14. Plaintiff is a consumer as that term is defined in 15 U.S.C. §1692a(3).
15. Defendant has violated the FDCPA by its conduct described herein and has caused Plaintiff to suffer actual damages in the form of disruption of his privacy within his home, aggravation and emotional distress.

**SECOND CAUSE OF ACTION**

***VIOLATION OF OHIO CONSUMER SALES PRACTICES ACT***

16. Plaintiff hereby incorporates by reference all of the preceding paragraphs.
17. Plaintiff is a consumer as that term is defined in R.C. 1345.01(D).
18. Defendant's attempts to collect a debt from Plaintiff constitute "consumer transactions" as that term is defined in R.C. 1345.01(A).
19. Defendant's conduct is unfair and deceptive in violation of the CSPA and has caused Plaintiff to suffer actual damages in the form of disruption of his privacy within his home, aggravation and emotional distress.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully requests judgment in his favor against Defendant and an award of:

- (A) Statutory damages pursuant to the CSPA and FDCPA;
- (B) Actual Damages to be proved at trial;
- (C) Treble damages pursuant to the CSPA
- (C) Plaintiff's reasonable attorney fees and the costs of this action; and
- (D) Such other and further relief as this Court deems just and equitable.

**JURY DEMAND**

Plaintiff demands a trial by jury on all issues so triable.



Respectfully submitted,



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